

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Case No. S1-4:20-CR-00418-JAR
v.)	
)	
JAMES TIMOTHY NORMAN,)	
)	
Defendant.)	

UNITED STATES' MOTION TO WITHDRAW AS MOOT
MOTION FOR RULE 15 DEPOSITION

COMES NOW the United States, by and through its attorney, United States Attorney Sayler A. Fleming, and Angie E. Danis and Gwendolyn E. Carroll, Assistant United States Attorneys, and respectfully requests to withdraw its previous motion (Doc. No. 249) for an order permitting the United States to conduct a video deposition of a material witness, former medical examiner Dr. Jane Turner, who performed the autopsy of victim Andre Montgomery, as the motion has been rendered moot.

The United States filed its Motion on August 1, 2022. This Court scheduled a conference regarding the United States' Motion to take place on August 2, 2022. Prior to the scheduled Court conference, the United States was contacted by counsel for Defendant Norman, who indicated that Defendant Norman would be amenable to a stipulation as to the facts to be established through the testimony of Dr. Turner. That stipulation will be as follows:

1. On March 15, 2016, Dr. Jane Turner conducted a post-mortem pathologist's examination (autopsy) on Andre Montgomery on March 15, 2016.

2. Dr. Turner identified a thoracoabdominal gunshot wound in Andre Montgomery, and recovered a bullet from that wound, which she placed in evidence.

3. Dr. Turner identified a gunshot wound in Andrew Montgomery's abdomen.

4. Dr. Turner identified two gunshot wounds in Andre Montgomery's right upper extremity. Dr. Turner recovered a bullet from Andre Montgomery's right upper arm, and placed the bullet in evidence.

5. Dr. Turner concluded that the cause of death was a thoracoabdominal gunshot wound.

6. Dr. Turner concluded that the manner of death was homicide.

Defendant Norman requested that the United States consent to have Dr. Turner testify in the defense case pursuant to defense subpoena. The United States has informed Defendant Norman that Dr. Turner will not be available for testimony at trial prior to September 12, 2022, and that the United States intends to lift its current subpoena to Dr. Turner. The United States has further agreed that it will not object should Defendant Norman seek to call Dr. Turner as part of the defense case.

Because the parties have been able to reach a stipulation as to the testimony of Dr. Turner, the United States hereby respectfully moves to **WITHDRAW** its previously filed Motion for Rule 15 Deposition of Dr. Jane Turner.

Respectfully submitted,

SAYLER A. FLEMING
UNITED STATES ATTORNEY

/s/ Gwendolyn E. Carroll
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CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2022, the undersigned filed the foregoing electronically with the Clerk of the Court to be served by way of the Court's electronic filing system upon all counsel of record.

/s/ Gwendolyn E. Carroll